

COHEN & GREEN

January 18, 2024

Hon. Sarah L. Cave, U.S.M.J.
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007-1312

By Electronic Filing.

Re: Phillips v. City of New York, 21-cv-8149 (ALC)(SLC)

Dear Judge Cave:

As the Court may recall, our firm represents Plaintiffs and the putative class in the case above. I write to request the Court extend the time to serve Defendant Beauchard from January 25, 2024 for an additional 45 days. With the relevant weekend accounted for, that extension would make the date to complete service on Defendant Beauchard Monday, March 11, 2024.

Defendants consent to this request.

We make this request so we have sufficient time to serve a request to waive service on Defendant Beauchard per Fed. R. Civ. P. 4(d) and wait for a response. Per the Court's Order at ECF No. 147, Defendants served us today with a last known address (where we already attempted service, *see* ECF No. 132 at 5), five email addresses, and two phone numbers.

While we intend ultimately to make a motion for alternative service under Fed. R. Civ. P. 4(e)(1) and CPLR 308(5) — on substantially the grounds raised in ECF No. 133 — given that Corporation Counsel has indicated it will oppose that motion, it seems most efficient to see if this issue can be resolved by waiver. And if it cannot, given that this appears to involve substantial work (if the Court grants the motion for alternative service and substantial expense in tracking down a physical address for Defendant Beauchard (if the Court does not), Plaintiffs want to take advantage of the fee-shifting design of Fed. R. Civ. P. 4(d). The reason we did not make this motion until now is that Defendants had asked for time to make good faith efforts to resolve this issue by reaching out to Defendant Beauchard on their own, which we understand were diligent but unfortunately unsuccessful.

Thus, we ask that the Court grant a 45-day extension of time to complete service on Defendant Beauchard. And as always, we thank the Court for its continued time and attention.

Respectfully submitted,

/s/

J. Remy Green



Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by electronic filing.